

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KIM A. ETIENNE, an individual

Plaintiff,

v.

THE UNITED STATES OF AMERICA,

Defendant.

CASE NO. 2:21-cv-01429-BJR

STIPULATED PARTIAL MOTION TO
DISMISS AND ORDER

Pursuant to LCR 7(d)(1) and LCR 10(g), the parties respectfully ask this Court for an agreed order to dismiss Plaintiff's informed consent claims, without prejudice.

I. FACTS

Plaintiff Kim Etienne filed a complaint against Defendant United States on October 19, 2021, alleging claims of medical negligence related to a surgery the Plaintiff had in August 2019 at the VA Puget Sound Healthcare Center in Washington. Dkt. #1. Plaintiff's complaint contains a statement alleging "lack of informed consent." *Id.* at 4.4. On January 14, 2022, Defendant United States filed a motion to partially dismiss, specifically seeking dismissal of the Plaintiff's claim of lack of informed consent. Dkt. #13, p. 1. Plaintiff's and Defendant's counsel have

1 conferred and reached an agreement to dismiss the claim of lack of informed consent, without
2 prejudice.

3 **II. ARGUMENT**

4 The parties have agreed to this dismissal and hereby submit a stipulation signed by all
5 parties, pursuant to *Federal Rule of Civil Procedure* 41(a)(1)(ii) and LCR 10(g). This stipulation
6 does not alter dates or schedules previously set by the Court. This dismissal shall be without
7 prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(B).

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12 **SO STIPULATED.**

13 Dated this 2nd day of February 2022.

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15 THE TINKER LAW FIRM, PLLC

16 By: s/Todd D. Tinker

17 By: s/Heather S. Moore Paradis

18 By: s/Lauren E. Coates

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23 Attorneys for Plaintiff

1 **SO STIPULATED.**

2 Dated this 2nd day of February 2022.

3 Respectfully submitted,

4 NICHOLAS W. BROWN
5 United States Attorney

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ORDER

Having reviewed the parties' stipulated partial motion to dismiss (Dkt. No. 15), the Court GRANTS the motion. Plaintiff's claim of lack of informed consent is hereby dismissed without prejudice.

DATED this 2nd day of February, 2022.

A handwritten signature in black ink, reading "Barbara Jacobs Rothstein", written over a horizontal line.

Barbara Jacobs Rothstein
United States District Judge